

Senate Study Bill 1211

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CO=CHAIRPERSON RAGAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the Iowa department of public health to
2 administer the Iowa food code in place of the department of
3 inspections and appeals.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2431SC 81
6 jp/sh/8

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1 1 Section 1. Section 10A.104, subsection 9, Code 2005, is
1 2 amended to read as follows:
1 3 9. Administer and enforce this chapter, and chapters 99B,
1 4 135B, 135C, 135H, 135J, 137C, and 137D, and 137F.
1 5 Sec. 2. Section 135.11, subsection 17, Code 2005, is
1 6 amended to read as follows:
1 7 17. Administer chapters 125, 136A, 136C, 137F, 139A, 142,
1 8 142A, 144, and 147A.
1 9 Sec. 3. Section 137F.1, subsections 3 and 4, Code 2005,
1 10 are amended to read as follows:
1 11 3. "Department" means the Iowa department of ~~inspections~~
1 12 ~~and appeals public health.~~
1 13 4. "Director" means the director of ~~the department of~~
1 14 ~~inspections and appeals public health or the director's~~
1 15 ~~designee.~~
1 16 Sec. 4. Section 137F.6, Code 2005, is amended to read as
1 17 follows:
1 18 137F.6 LICENSE FEES.
1 19 1. The regulatory authority shall collect annual fees, in
1 20 amounts established in administrative rules adopted by the
1 21 department to reflect the cost of regulation, for licenses
1 22 issued for the following annual license fees purposes:
1 23 ~~1. a. For a A mobile food unit or pushcart, twenty~~
1 24 ~~dollars.~~
1 25 ~~2. b. For a A temporary food establishment per fixed~~
1 26 ~~location, twenty-five dollars.~~
1 27 ~~3. c. For a A vending machine, twenty dollars for the~~
1 28 ~~first machine and five dollars for each additional machine.~~
1 29 The annual license fee for vending machines shall be graduated
1 30 based upon the quantity of machines.
1 31 ~~4. d. For a A food establishment which that prepares or~~
1 32 ~~serves food for individual portion service intended for~~
1 33 ~~consumption on-the-premises, the. The annual license fee~~
1 34 ~~shall correspond be graduated according to the dollar value of~~
1 35 ~~the annual gross food and beverage sales of the food~~
2 1 ~~establishment, as follows:~~
2 2 ~~a. Annual gross sales of under fifty thousand dollars,~~
2 3 ~~fifty dollars.~~
2 4 ~~b. Annual gross sales of at least fifty thousand dollars~~
2 5 ~~but less than one hundred thousand dollars, eighty-five~~
2 6 ~~dollars.~~
2 7 ~~c. Annual gross sales of at least one hundred thousand~~
2 8 ~~dollars but less than two hundred fifty thousand dollars, one~~
2 9 ~~hundred seventy-five dollars.~~
2 10 ~~d. Annual gross sales of two hundred fifty thousand~~
2 11 ~~dollars but less than five hundred thousand dollars, two~~
2 12 ~~hundred dollars.~~
2 13 ~~e. Annual gross sales of five hundred thousand dollars or~~
2 14 ~~more, two hundred twenty-five dollars.~~
2 15 5. e. For a A food establishment which that sells food or

2 16 food products to consumer customers intended for preparation
2 17 or consumption off-the-premises, ~~the~~. The annual license fee
2 18 shall ~~correspond be graduated according~~ to the annual gross
2 19 food and beverage sales of the food establishment, ~~as follows:~~
2 20 a. ~~Annual gross sales of under ten thousand dollars,~~
2 21 ~~thirty dollars.~~
2 22 b. ~~Annual gross sales of at least ten thousand dollars but~~
2 23 ~~less than two hundred fifty thousand dollars, seventy-five~~
2 24 ~~dollars.~~
2 25 c. ~~Annual gross sales of at least two hundred fifty~~
2 26 ~~thousand dollars but less than five hundred thousand dollars,~~
2 27 ~~one hundred fifteen dollars.~~
2 28 d. ~~Annual gross sales of at least five hundred thousand~~
2 29 ~~dollars but less than seven hundred fifty thousand dollars,~~
2 30 ~~one hundred fifty dollars.~~
2 31 e. ~~Annual gross sales of seven hundred fifty thousand~~
2 32 ~~dollars or more, two hundred twenty-five dollars.~~
2 33 6. ~~f. For a~~ A food processing plant, ~~the~~. The annual
2 34 license fee shall ~~correspond be graduated according~~ to the
2 35 annual gross food and beverage sales of the food processing
3 1 plant, ~~as follows:~~
3 2 a. ~~Annual gross sales of under fifty thousand dollars,~~
3 3 ~~fifty dollars.~~
3 4 b. ~~Annual gross sales of at least fifty thousand dollars~~
3 5 ~~but less than two hundred fifty thousand dollars, one hundred~~
3 6 ~~dollars.~~
3 7 c. ~~Annual gross sales of at least two hundred fifty~~
3 8 ~~thousand dollars but less than five hundred thousand dollars,~~
3 9 ~~one hundred fifty dollars.~~
3 10 d. ~~Annual gross sales of five hundred thousand dollars or~~
3 11 ~~more, two hundred fifty dollars.~~
3 12 7. ~~g. For a~~ A farmers market where potentially hazardous
3 13 food is sold or distributed, ~~one~~. A seasonal license fee of
3 14 ~~one hundred dollars shall be imposed~~ for each vendor on a
3 15 countywide basis.
3 16 2. A food establishment covered by ~~subsections 4 and 5~~
3 17 ~~subsection 1, paragraphs "d" and "e",~~ shall be assessed
3 18 license fees not to exceed seventy-five percent of the ~~total~~
3 19 ~~combined fees otherwise applicable under both subsections the~~
3 20 ~~paragraphs.~~
3 21 3. Fees collected by the department shall be ~~deposited in~~
3 22 ~~credited to~~ the general fund of the state. Fees collected by
3 23 a municipal corporation shall be retained by the municipal
3 24 corporation for regulation of food establishments and food
3 25 processing plants licensed under this chapter.
3 26 4. Each vending machine licensed under this chapter shall
3 27 bear a readily visible identification tag or decal provided by
3 28 the licensee, containing the licensee's business address and
3 29 phone number, and a company license number assigned by the
3 30 regulatory authority.
3 31 Sec. 5. Section 331.756, subsection 32, Code 2005, is
3 32 amended to read as follows:
3 33 32. Assist the department of inspections and appeals in
3 34 the enforcement of the ~~Iowa food code and the Iowa hotel~~
3 35 ~~sanitation code as provided in sections 137F.19 and section~~
4 1 ~~137C.30.~~
4 2 Sec. 6. Section 331.756, Code 2005, is amended by adding
4 3 the following new subsection:
4 4 NEW SUBSECTION. 32A. Assist the Iowa department of public
4 5 health in the enforcement of the Iowa food code as provided in
4 6 section 137F.19.
4 7 Sec. 7. FOOD CODE, RULES, AGREEMENTS, AND APPROPRIATIONS
4 8 TRANSFER.
4 9 1. The food code adopted by the director of the department
4 10 of inspections and appeals under section 137F.2, Code 2005,
4 11 shall remain in effect until modified or rescinded by the
4 12 director of public health.
4 13 2. The administrative rules adopted by the department of
4 14 inspections and appeals under chapter 137F, Code 2005, shall
4 15 remain in effect until modified or rescinded by the Iowa
4 16 department of public health.
4 17 3. Effective July 1, 2005, an agreement entered into under
4 18 section 137F.3, Code 2005, between the director of the
4 19 department of inspections and appeals and a municipal
4 20 corporation for the municipal corporation to license, inspect,
4 21 and enforce chapter 137F within the municipal corporation's
4 22 jurisdiction shall be deemed to be an agreement with the
4 23 director of public health and shall remain in effect until
4 24 expiration of the agreement or the agreement is modified or
4 25 rescinded by the parties to the agreement.
4 26 4. Effective July 1, 2005, the Iowa department of public

4 27 health shall assume the departmental duties outlined in the
4 28 food code and administrative rules adopted under chapter 137F
4 29 in place of the department of inspections and appeals.
4 30 5. The license fees specified in section 137F.6, Code
4 31 2005, shall remain in effect until the effective date of the
4 32 rules adopted by the Iowa department of public health
4 33 establishing license fees as provided in section 137F.6, as
4 34 amended by this Act.

4 35 6. Appropriations made from the general fund of the state
5 1 for the fiscal year beginning July 1, 2005, and ending June
5 2 30, 2006, to the department of inspections and appeals for
5 3 administration and enforcement of the Iowa food code shall be
5 4 transferred to the Iowa department of public health.

5 5 EXPLANATION

5 6 This bill provides for the Iowa department of public health
5 7 to administer the Iowa food code under Code chapter 137F in
5 8 place of the department of inspections and appeals.

5 9 Code section 10A.104 is amended to strike this
5 10 responsibility from the duties of the department of
5 11 inspections and appeals.

5 12 Code section 135.11 is amended to add this duty in the list
5 13 of responsibilities provided to the Iowa department of public
5 14 health.

5 15 Code chapter 137F references to the department of
5 16 inspections and appeals are changed to the Iowa department of
5 17 public health.

5 18 Code section 137F.6 is amended to allow the department to
5 19 establish annual license fee amounts in administrative rule
5 20 based upon the cost of regulation. The current fee amounts
5 21 are stricken.

5 22 The duties of the county attorney in Code section 331.756
5 23 are amended to change references to the two departments.

5 24 A transition section provides for the food code adopted by
5 25 the director of inspections and appeals and the administrative
5 26 rules adopted by the department of inspections and appeals to
5 27 remain in effect until rescinded or modified by the director
5 28 of public health and the Iowa department of public health.

5 29 Agreements entered into for municipal corporations to license,
5 30 inspect, and enforce Code chapter 137F within the municipal
5 31 corporation's jurisdiction are deemed to be with the Iowa
5 32 department of public health in place of the department of
5 33 inspections and appeals. The license fees specified in
5 34 current law remain in effect until rules are adopted

5 35 establishing the fee amounts by rule. Appropriations made for
6 1 fiscal year 2005=2006 for purposes of the Iowa food code are
6 2 transferred to the Iowa department of public health.

6 3 LSB 243LSC 81

6 4 jp:nh/sh/8